

1 BILL NO. G-86-08-31 (AS AMENDED)

2 GENERAL ORDINANCE NO. G- 39-86

3 AN ORDINANCE amending the Thoroughfare  
4 Plan of the City Comprehensive ("Master")  
5 Plan by vacating a dedicated utility easement.

6 WHEREAS, a petition to vacate a dedicated utility  
7 easement within the City of Fort Wayne (as more specifically  
8 described below) was duly filed with the City Planning  
9 Commission; and

10 WHEREAS, said Commission duly held a public hearing  
11 thereon; and

12 WHEREAS, said Commission has duly forwarded its  
13 recommendation to this body approving said petition, all in  
14 accordance with I.C. 36-7-4-512(2) and this body having held  
15 a public hearing on said vacation as provided in  
16 I.C. 36-7-3-12; and

17 WHEREAS, this body concurs in the recommendation of the  
18 City Planning Commission.

19 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
20 THE CITY OF FORT WAYNE, INDIANA:

21 SECTION 1. That the petition filed herein to vacate a  
22 dedicated utility easement within the City of Fort Wayne,  
23 more specifically described as follows, to-wit:

24 That portion of the utility easement, 14 feet in width,  
25 which lies 7 feet on each side of the boundary line  
26 between Lot #85 and Block "A" in Winterset, Section IV,  
27 an Addition to the City of Fort Wayne, Allen County,  
28 Indiana, exclusive of the utility easement along the  
29 Easterly line of said Lot #85 and said Block "A", and  
30 also exclusive of the utility easement along the  
31 Northeasterly right-of-way line of River Haze Road,  
32 said portion being described as follows, to-wit:

Beginning on the Southeasterly line of said Block "A"  
at a point situated 15.0 feet, N 26 degrees 21 minutes  
E from the Southeast corner of said Block "A"; thence  
22 degrees 52 minutes 40 seconds W, on and along the  
Easterly line of an existing utility easement, a  
distance of 9.24 feet; thence N 26 degrees 21 minutes  
E, a distance of 127.02 feet; thence N 71 degrees 57  
minutes E, a distance of 144.54 feet to a point  
situated 14.0 feet Westerly of the Easterly line of  
said Block "A"; thence S 18 degrees 03 minutes E and

1 parallel to said Easterly line, a distance of 14.0  
2 feet; thence S 71 degrees 57 minutes W, a distance of  
3 138.66 feet; thence S 26 degrees 21 minutes W, a  
4 distance of 127.29 feet to a point situated 15.0 feet  
5 (measured radially) Northeasterly from the Northeasterly  
6 right-of-way line of River Haze Road; thence  
7 Northwesterly, on and along the arc of a regular curve  
to the left, not tangent to the last course, having a  
radius of 200.27 feet and being concentric to said  
Northeasterly right-of-way line, an arc distance of 7.0  
feet, being subtended by a long chord having a length  
of 7.0 feet and a bearing of N 62 degrees 39 minutes W  
to the point of beginning

8 and which vacating amends the Thoroughfare Plan of the City  
9 Comprehensive ("Master") Plan and is hereby approved in all  
10 respects.

11 SECTION 2. That this Ordinance shall be in full force  
12 and effect from and after its passage, any and all necessary  
13 approval by the Mayor.

14 \_\_\_\_\_  
Councilmember

15 APPROVED AS TO FORM AND LEGALITY:

16 \_\_\_\_\_  
BRUCE O. BOXBERGER, CITY ATTORNEY

17 \*\* Public hearing to be held on \_\_\_\_\_, the  
18 \_\_\_\_\_ day of \_\_\_\_\_, 1986 in  
19 the Council Chambers.  
20

21 \_\_\_\_\_  
22 Sandra E. Kennedy, City Clerk  
23  
24  
25  
26  
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30  
31  
32

AN ORDINANCE amending the Thoroughfare  
Plan of the City Comprehensive ("Master")  
Plan by vacating a dedicated utility easement.

WHEREAS, a petition to vacate a dedicated utility easement within the City of Fort Wayne (as more specifically described below) was duly filed with the City Planning Commission; and

WHEREAS, said Commission duly held a public hearing thereon; and

WHEREAS, said Commission has duly forwarded its recommendation to this body approving said petition, all in accordance with I.C. 36-7-4-512(2) and this body having held a public hearing on said vacation as provided in I.C. 36-7-3-12; and

WHEREAS, this body concurs in the recommendation of the City Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a dedicated utility easement within the City of Fort Wayne, more specifically described as follows, to-wit:

The easement between Lot 85 in Winterset, Section IV, an Addition to the City of Fort Wayne, and part of Block "A" in Winterset, Section IV, an Addition to the City of Fort Wayne, Indiana,

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor.



Bill No. G-86-

Page two

  
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

  
BRUCE O. BOXBERGER, CITY ATTORNEY

\*\* Public hearing to be held on \_\_\_\_\_, the  
\_\_\_\_\_ day of \_\_\_\_\_, 1986 in the  
Council Chambers.

  
Sandra E. Kennedy, City Clerk

Read the first time in full and on motion by E. E. Smith  
seconded by Jim Quanta, and duly adopted, read the second time  
by title and referred to the Committee Regulations (and the C  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort Wa  
Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock, \_\_\_\_\_.M.,

DATE: 8-26-86

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by E. E. Smith  
seconded by Jim Quanta, and duly adopted, placed on its  
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>8</u>	_____	_____	<u>1</u>	_____
<u>BRADBURY</u>	_____	_____	_____	<u>1</u>	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GIAQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 12-23-86

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort  
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 9-39-86  
on the 23rd day of December, 1986

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Samuel J. Talarico  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indian  
on the 26th day of December, 1986  
at the hour of 11:00 o'clock 7.M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 29th day of December  
1986, at the hour of 11:00 o'clock 11.M., E.S.T.

Win Moses, Jr.  
WIN MOSES, JR., MAYOR

## RECEIPT

CK# 1774  
COMMUNITY DEVELOPMENT & PLANNING

No 1119

FT. WAYNE, IND.,

7-10 19

RECEIVED FROM

THE SUM OF

ON ACCOUNT OF

\$

100.00

DOLLARS

100

AUTHORIZED SIGNATURE



Vacation Ordinance

PETITION TO VACATE Dedicated Utility Easement.

TO: THE CITY PLAN COMMISSION  
CITY OF FORT WAYNE, INDIANA

The Undersigned petitioner does hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following dedicated utility easement within the City of Fort Wayne, Indiana, and hereby described as follows:

*See Attached*

The Easement between Lot 85 in Winterset, Section IV, an Addition to the City of Fort Wayne, Indiana, and part of Block "A" in Winterset, Section IV, an Addition to the City of Fort Wayne, Indiana, See attached Surveys.

In support thereof, your petitioner would represent as follows:

1. I am the only owner of the real estate bordering both sides of the easement.
2. The easement is not necessary as an ingress or egress to other properties whatsoever. Utilities for River Haze are now in and this easement was not used. It is heavily wooded and has an elevation change of approximately 8 foot.
3. No other person, firm, or corporation is interested in or affected by the request of this vacation.
4. There is a large, white Ash tree which the petitioner would like to make some repairs. This will not be done unless the easement is vacated.

The petitioner files this petition pursuant to the authority granted in Indiana Code, Section 36-7-4-512 in order to complete the vacation as described above.

WHEREFORE, your petitioner will pray that the above described dedicated utility easement be vacated according to the provisions of the Indiana Law pertaining thereto.

DATED THIS 3 DAY OF July 1986

*Burt Nold*  
Adjacent Property Owner's Signature

6805 River Haze Rd.  
Fort Wayne, IN 46819  
Adjacent Property Owner's Address

*Burt Nold*  
Adjacent Property Owner's Signature

6805 River Haze Rd.  
Fort Wayne, IN 46819  
Adjacent Property Owner's Address

*Burt Nold*  
Petitioner's Signature

6805 River Haze Rd.  
Fort Wayne, IN 46819  
Petitioner's Address

Worthman Homes, Inc.  
5800 Fairfield Ave.  
Fort Wayne, IN 46807  
Ronald E. Flohr, Vice President  
Agent's Name & Address

AND PLAT

## CERTIFICATE OF SURVEY

This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's office of Allen County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically stated below. Corners were perpetuated as indicated.

### DESCRIPTION OF REAL ESTATE

That portion of the utility easement, 14 feet in width, which lies 7 feet on each side of the boundary line between Lot #85 and Block "A" in Winterset, Section IV, an Addition to the City of Fort Wayne, Allen County, Indiana, exclusive of the utility easement along the Easterly line of said Lot #85 and said Block "A", and also exclusive of the utility easement along the Northeasterly right-of-way line of River Haze Road, said portion being described as follows, to wit:

Beginning on the Southeasterly line of said Block "A" at a point situated 15.0 feet, N 26°-21' E from the Southeast corner of said Block "A"; thence N 22°-52'-40" W, on and along the Easterly line of an existing utility easement, a distance of 9.24 feet; thence N 26°-21' E, a distance of 127.02 feet; thence N 71°-57' E, a distance of 144.54 feet to a point situated 14.0 feet Westerly of the Easterly line of said Block "A"; thence S 18°-03' E and parallel to said Easterly line, a distance of 14.0 feet; thence S 71°-57' W, a distance of 138.66 feet; thence S 26°-21' W, a distance of 127.29 feet to a point situated 15.0 feet (measured radially) Northeasterly from the Northeasterly right-of-way line of River Haze Road; thence Northwesterly, on and along the arc of a regular curve to the left, not tangent to the last course, having a radius of 200.27 feet and being concentric to said Northeasterly right-of-way line, an arc distance of 7.0 feet, being subtended by a long chord having a length of 7.0 feet and a bearing of N 62°-39' W to the point of beginning.





## RESOLUTION

WHEREAS, CURTIS NOLD, has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easement situated in Fort Wayne, Allen County, to-wit:

That portion of the utility easement, 14 feet in width, which lies 7 feet on each side of the boundary line between Lot #85 and Block "A" in Winterset, Section IV, an Addition to the City of Fort Wayne, Allen County, Indiana, exclusive of the utility easement along the Easterly line of said Lot #85 and said Block "A", and also exclusive of the utility easement along the Northeasterly right-of-way line of River Haze Road, said portion being described as follows, to-wit:

Beginning on the Southeasterly line of said Block "A" at a point situated 15.0 feet, N 26 degrees 21 minutes E from the Southeast corner of said Block "A"; thence 22 degrees 52 minutes 40 seconds W, on and along the Easterly line of an existing utility easement, a distance of 9.24 feet; thence N 26 degrees 21 minutes E, a distance of 127.02 feet; thence N 71 degrees 57 minutes E, a distance of 144.54 feet to a point situated 14.0 feet Westerly of the Easterly line of said Block "A"; thence S 18 degrees 03 minutes E and parallel to said Easterly line, a distance of 14.0 feet; thence S 71 degrees 57 minutes W, a distance of 138.66 feet; thence S 26 degrees 21 minutes W, a distance of 127.29 feet to a point situated 15.0 feet (measured radially) Northeasterly from the Northeasterly right-of-way line of River Haze Road; thence Northwesterly, on and along the arc of a regular curve to the left, not tangent to the last course, having a radius of 200.27 feet and being concentric to said Northeasterly right-of-way line, an arc distance of 7.0 feet, being subtended by a long chord having a length of 7.0 feet and a bearing of N 62 degrees 39 minutes W to the point of beginning

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on August 18, 1986, at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated utility easement.

WHEREAS, said vacation of dedicated utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easement hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easement hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated utility easement or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any



said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated dedicated utility easement in Allen County, Indiana.

STATE OF INDIANA )  
 ) SS:  
COUNTY OF ALLEN )

I, Melvin O. Smith, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held August 25, 1946, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 3 DAY OF December 1986

FORT WAYNE CITY PLAN COMMISSION

Melvin O. Smith, Secretary

## RESOLUTION 77-8-10

WHEREAS, CURTIS NOLD, has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easement situated in Fort Wayne, Allen County, to-wit:

That portion of the utility easement, 14 feet in width, which lies 7 feet on each side of the boundary line between Lot #85 and Block "A" in Winterset, Section IV, an Addition to the City of Fort Wayne, Allen County, Indiana, exclusive of the utility easement along the Easterly line of said Lot #85 and said Block "A", and also exclusive of the utility easement along the Northeasterly right-of-way line of River Haze Road, said portion being described as follows, to-wit:

Beginning on the Southeasterly line of said Block "A" at a point situated 15.0 feet, N 26 degrees 21 minutes E from the Southeast corner of said Block "A"; thence 22 degrees 52 minutes 40 seconds W, on and along the Easterly line of an existing utility easement, a distance of 9.24 feet; thence N 26 degrees 21 minutes E, a distance of 127.02 feet; thence N 71 degrees 57 minutes E, a distance of 144.54 feet to a point situated 14.0 feet Westerly of the Easterly line of said Block "A"; thence S 18 degrees 03 minutes E and parallel to said Easterly line, a distance of 14.0 feet; thence S 71 degrees 57 minutes W, a distance of 138.66 feet; thence S 26 degrees 21 minutes W, a distance of 127.29 feet to a point situated 15.0 feet (measured radially) Northeasterly from the Northeasterly right-of-way line of River Haze Road; thence Northwesterly, on and along the arc of a regular curve to the left, not tangent to the last course, having a radius of 200.27 feet and being concentric to said Northeasterly right-of-way line, an arc distance of 7.0 feet, being subtended by a long chord having a length of 7.0 feet and a bearing of N 62 degrees 39 minutes W to the point of beginning

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated utility easement hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated utility easement hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public street or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

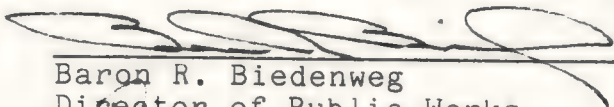
STATE OF INDIANA )  
 ) SS:  
COUNTY OF ALLEN )

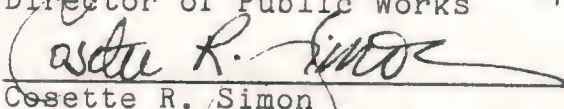



I, Baron R. Biedenweg, ~~Assistant~~ Director  
of the Board of Public Works, do hereby certify that attached  
hereto is a full, true and correct copy of a resolution adopted  
by the Fort Wayne Board of Public Works at their meeting held  
November 19, 1986 and as same appears  
of record in the official records of the Board of Public Works

DATED THIS 19<sup>th</sup> DAY OF November 1986

FORT WAYNE BOARD OF PUBLIC WORKS

  
\_\_\_\_\_  
Baron R. Biedenweg  
Director of Public Works

  
\_\_\_\_\_  
Colette R. Simon  
Director of Administration & Finance

  
\_\_\_\_\_  
Lawrence D. Consalvos  
Director of Public Safety

# Division of Community Development & Planning

FACT SHEET

G-86-08-31

BILL NUMBER

BRIEF TITLE

APPROVAL DEADLINE

REASON

Utility Easement Vacation

## DETAILS

### Specific Location and/or Address

Utility easement lying between Lot 85 &  
Blk A in Winterset Addition, Section IV.

### Reason for Project

To incorporate the easement as part of the  
adjacent property owners lots.

### Discussion (Including relationship to other Council actions)

18 August 1986 - Public Hearing

Ronald Flohr, representing the petitioner  
stated that Curtis Nold had purchased Lot 85  
and half of Block A. Mr. Nold built a new  
home on Lot 85 and would like to be able  
to maintain the portion of Block A he pur-  
chased as a "parkway". He stated that there  
are nice ash trees in the strip. Mr. Flohr  
stated that they are requesting the vacation  
of the entire easement with the exception  
of the end that intersects with the  
easements on the front and rear.

There was no one present who wished to speak  
in favor of or in opposition to the proposed  
vacation.

25 August 1986 - Business Meeting

Motion was made to return the ordinance to  
the Common Council with a DO PASS  
recommendation, amending the petition to  
delete the end portions of the easement.  
Motion carried.

Of the 9 members present 8 voted in favor of  
approval one did not vote.

## POSITIONS

## RECOMMENDATIONS

### Sponsor

City Plan Commission

### Area Affected

City Wide

Other Areas

### Applicants/ Proponents

### Applicant(s)

Curtis Nold  
City Department

Other

### Opponents

### Groups or Individuals

### Basis of Opposition

### Staff Recommendation

☒ For ☐ Against

Reason Against

### Board or Commission Recommendation

### By

☒ For ☐ Against  
☐ No Action Taken

☐ For with revisions to condition  
(See Details column for condition)

### CITY COUNCIL ACTIONS (For Council use only)

☐ Pass ☐ Other  
☐ Pass (as amended) ☐ Hold  
☐ Council Sub. ☐ Do not pass

**DETAILS**

**POLICY/ PROGRAM IMPACT**

Policy or  
Program  
Change

☐

No

☐

Yes

Operational  
Impact  
Assessment

(This space for further discussion)

**Project Start**

**Date** 10 July 1986

**Projected Completion or Occupancy**

**Date** 2 December 1986

**Fact Sheet Prepared by**

**Date** 2 December 1986

Patricia Biancaniello

**Reviewed by**

**Date**

3 Dec. 1986

*David Bacteria*  
**Reference or Case Number**



ORIGINAL

TITLE OF ORDINANCE Utility Easement Vacation

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

8-86-08 31

SYNOPSIS OF ORDINANCE Utility Easement lying between Lot 85 in Winterset  
Addition, Section IV and part of Block "A" in Winterset, Section IV

EFFECT OF PASSAGE Property is presently a dedicated utility easement.

Property will be vacated and revert to the private use of the  
adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain a dedicated utility easement.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE (J.N.) \_\_\_\_\_

## 215

COUNCILMANIC DISTRICT NO. 5

**LAND USE:**

**DATE:** 7-30-86

BILL NO. G-86-08-31 (as amended)

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~XXXXXXXXXX~~ RESOLUTION) amending the Thoroughfare  
Plan of the City Comprehensive ("Master") Plan by vacating  
a dedicated utility easement

HAVE HAD SAID (ORDINANCE) (~~XXXXXXXXXX~~ RESOLUTION) UNDER CONSIDERATION AND BEG  
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)  
(~~RESOLUTION~~)

YES

NO

  
BEN A. EISBART  
CHAIRMAN

  
JANET G. BRADBURY  
VICE CHAIRWOMAN

  
DONALD J. SCHMIDT

  
THOMAS C. HENRY

  
CHARLES B. REDD

CONCURRED IN 12-23-86

SANDRA E. KENNEDY  
CITY CLERK



Legal for paper attached.

AGENT: Curtis Nold / 6805 River Haze Road / City 19

23 That portion of the utility easement, 14 feet in width,  
24 which lies 7 feet on each side of the boundary line  
25 between Lot #85 and Block "A" in Winterset, Section IV,  
26 an Addition to the City of Fort Wayne, Allen County,  
27 Indiana, exclusive of the utility easement along the  
Easterly line of said Lot #85 and said Block "A", and  
also exclusive of the utility easement along the  
Northeasterly right-of-way line of River Haze Road,  
said portion being described as follows, to-wit:

28 Beginning on the Southeasterly line of said Block "A"  
29 at a point situated 15.0 feet, N 26 degrees 21 minutes  
30 E from the Southeast corner of said Block "A"; thence  
31 22 degrees 52 minutes 40 seconds W, on and along the  
32 Easterly line of an existing utility easement, a  
distance of 9.24 feet; thence N 26 degrees 21 minutes  
E, a distance of 127.02 feet; thence N 71 degrees 57  
minutes E, a distance of 144.54 feet to a point  
situated 14.0 feet Westerly of the Easterly line of  
said Block "A"; thence S 18 degrees 03 minutes E and

1 parallel to said Easterly line, a distance of 14.0  
2 feet; thence S 71 degrees 57 minutes W, a distance of  
3 138.66 feet; thence S 26 degrees 21 minutes W, a  
4 distance of 127.29 feet to a point situated 15.0 feet  
5 (measured radially) Northeasterly from the Northeasterly  
6 right-of-way line of River Haze Road; thence  
7 Northwesterly, on and along the arc of a regular curve  
to the left, not tangent to the last course, having a  
radius of 200.27 feet and being concentric to said  
Northeasterly right-of-way line, an arc distance of 7.0  
feet, being subtended by a long chord having a length  
of 7.0 feet and a bearing of N 62 degrees 39 minutes W  
to the point of beginning

8 and which vacating amends the Thoroughfare Plan of the City  
9 Comprehensive ("Master") Plan and is hereby approved in all  
10 respects.

11 SECTION 2. That this Ordinance shall be in full force  
12 and effect from and after its passage, any and all necessary  
13 approval by the Mayor.

---



# The City of Fort Wayne

December 10, 1986

Ms. Marilyn Romine  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, IN 46802

Dear Ms. Romine:

Please give the attached full coverage on the date of December 13, 1986, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council  
of Fort Wayne, IN

Bill No. G-86-10-16  
Bill No. G-86-08-31

Please send us 4 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy  
City Clerk

SEK/ne  
ENCL: 2



NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
BILL NO. G-86-08-31

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, December 23, 1986, at 7:00 P.M., (EST) in Room 128, City-County Bldg. One Main Street, Fort Wayne, Indiana, more particularly described as follows:

REGARDING: Utility easement lying between Lot 85 & Blk A in Winterset Addition, Section IV. To incorporate the easement as part of the adjacent property owners lots.

23 That portion of the utility easement, 14 feet in width,  
24 which lies 7 feet on each side of the boundary line  
25 between Lot #85 and Block "A" in Winterset, Section IV,  
26 an Addition to the City of Fort Wayne, Allen County,  
27 Indiana, exclusive of the utility easement along the  
28 Easterly line of said Lot #85 and said Block "A", and  
29 also exclusive of the utility easement along the  
30 Northeasterly right-of-way line of River Haze Road,  
31 said portion being described as follows, to-wit:

32 Beginning on the Southeasterly line of said Block "A"  
at a point situated 15.0 feet, N 26 degrees 21 minutes  
E from the Southeast corner of said Block "A"; thence  
22 degrees 52 minutes 40 seconds W, on and along the  
Easterly line of an existing utility easement, a  
distance of 9.24 feet; thence N 26 degrees 21 minutes  
E, a distance of 127.02 feet; thence N 71 degrees 57  
minutes E, a distance of 144.54 feet to a point  
situated 14.0 feet Westerly of the Easterly line of  
said Block "A"; thence S 18 degrees 03 minutes E and  
1 parallel to said Easterly line, a distance of 14.0  
2 feet; thence S 71 degrees 57 minutes W, a distance of  
3 138.66 feet; thence S 26 degrees 21 minutes W, a  
4 distance of 127.29 feet to a point situated 15.0 feet  
5 (measured radially) Northeasterly from the Northeasterly  
6 right-of-way line of River Haze Road; thence  
7 Northwesterly, on and along the arc of a regular curve  
to the left, not tangent to the last course, having a  
radius of 200.27 feet and being concentric to said  
Northeasterly right-of-way line, an arc distance of 7.0  
feet, being subtended by a long chord having a length  
of 7.0 feet and a bearing of N 62 degrees 39 minutes W  
to the point of beginning

All interested parties are invited to appear and be heard.

Fort Wayne Common Council

Sandra E. Kennedy  
City Clerk



# The City of Fort Wayne

December 10, 1986

Curtis Nold  
6805 River Haze Road  
Fort Wayne, IN 46819

## NOTICE OF PUBLIC HEARING ON BILL NO. G-86-08-31

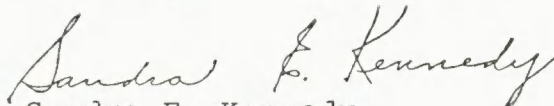
You are hereby notified that the Common Council of Fort Wayne, will conduct a public hearing on Tuesday, December 23, 1986, at 7:00 P.M., in the Council Conference Room 128, 1st Floor, City-County Bldg., One Main Street, Fort Wayne, IN on the following:

Utility easement lying between Lot 85  
& Blk A in Winterset Addition, Section  
IV

To incorporate the easement as part of the  
adjacent property owners lots.

All interested parties are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

Fort Wayne Common Council

  
Sandra E. Kennedy  
City Clerk

Fort Wayne Common Council

(Governmental Unit)

Allen

County, IN

To JOURNAL-GAZETTE Dr.  
P.O. BOX 100  
FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

3

47

3

53

## COMPUTATION OF CHARGES

53 lines, 1 columns wide equals 53 equivalent lines at .300¢ \$ 15.90  
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) 2 extra

1.00

TOTAL AMOUNT OF CLAIM

\$ 16.90

## DATA FOR COMPUTING COST

Width of single column 12.5 picas

Size of type 6 point

Number of insertions 1

Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date Dec. 13 19 86

Title CLERK

## FORM #904

## PUBLISHER'S AFFIDAVIT

State of Indiana  
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose

that he/she is CLERK of the

newspaper of general circulation printed and published

FORT WAYNE, INDIANA

and that the printed matter attached hereto is a true copy, one time

the dates of publication being

86

12-13

144.54 feet to a point situated 14.0 feet Westerly of the Easterly line of said Block "A"; thence S 18 degrees 03 minutes E and parallel to said Easterly line, a distance of 14.0 feet; thence S 71 degrees 57 minutes W, a distance of 138.66 feet; thence S 26 degrees 21 minutes W, a distance of 127.29 feet to a point situated 15.0 feet (measured radially) Northeastly from the Northeastly right-of-way line of River Haze Road; thence Northwesterly, on and along the arc of a regular curve to the left, not tangent to the last course, having a radius of 200.27 feet and being concentric to said Northeastly right-of-way line, an arc distance of 7.0 feet, being subtended by a long chord having length of 7.0 feet and a bearing of N 62 degrees 39 minutes W to the point of beginning.

All interested parties are invited to appear and be heard.

Fort Wayne Common Council  
Sandra E. Kennedy  
City ClerkNOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
BILL NO. G-86-08-31

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, December 23, 1986, at 7:00 P.M., (EST) in Room 128, City-County Bldg, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

REGARDING: Utility easement lying between Lot 85 & Blk A in Winterset Addition, Section IV. To incorporate the easement as part of the adjacent property owners lots.

That portion of the utility easement, 14 feet in width, which lies 7 feet on each side of the boundary line between Lot No. 85 and Block "A" in Winterset, Section IV, an Addition to the City of Fort Wayne, Allen County, Indiana, exclusive of the utility easement along the Easterly line of said Lot No. 85 and said Block "A", and also exclusive of the utility easement along the Northeastly right-of-way line of River Haze Road, said portion being described as follows, to-wit:

Beginning on the Southeastly line of said Block "A" at a point situated 15.0 feet, N 26 degrees 21 minutes E from the Southeast corner of said Block "A"; thence 22 degrees 52 minutes 40 seconds W, on and along the Easterly line of an existing utility easement, a distance of 9.24 feet; thence N 26 degrees 21 minutes E, a distance of 127.02 feet; thence N 71 degrees 57 minutes E, a distance of

Subscribed and sworn to me before this 13th day of December 19 86

Shelley R. LaRue Notary Public

My commission expires March 3, 1990



Fort Wayne Common Council  
(Governmental Unit)  
Allen  
County, IN

To NEW-SENTINEL Dr.  
P.O. BOX 100  
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines		.....
Head	number of lines	3
Body	number of lines	47
Tail	number of lines	3
Total number of lines in notice		53

COMPUTATION OF CHARGES

53	lines,	1	columns wide equals	53	equivalent lines at	.300¢	\$15.90
cents per line							.....
Additional charge for notices containing rule or tabular work (50 per cent of above amount)							.....
Charge for extra proofs of publication (50 cents for each proof in excess of two) 2 extra							1.00
TOTAL AMOUNT OF CLAIM							\$16.90

DATA FOR COMPUTING COST

Width of single column 12.5 picas	Size of type 6 point
Number of insertions 1	Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Drusilla Roose

Date Dec. 13 19 86

Title CLERK

FORM #903

State of Indiana  
ALLEN County SS:

PUBLISHER'S AFFIDAVIT

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that he/she is CLERK of the NEWS-SENTINEL DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, one time which was duly published in said paper for the dates of publication being as follows: 12/13/86

Subscribed and sworn to me before this 13th day of December 19 86  
Shelley R. LaRue Notary Public  
My commission expires March 3, 1990

NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
BILL NO. G-86-08-31  
Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, Indiana, will conduct a public hearing on Tuesday, December 23, 1986, at 7:00 P.M., (EST) in Room 128, City-County Bldg. One Main Street, Fort Wayne, Indiana, more particularly described as follows:  
REGARDING: Utility easement lying between Lot 85 & Blk A in Winterset Addition, Section IV. To incorporate the easement as part of the adjacent property owners lots.  
That portion of the utility easement, 14 feet in width, which lies 7 feet on each side of the boundary line between Lot No. 85 and Block "A" in Winterset, Section IV, an Addition to the City of Fort Wayne, Allen County, Indiana, exclusive of the utility easement along the Easterly line of said Lot No. 85 and said Block "A", and also exclusive of the utility easement along the Northeastly right-of-way line of River Haze Road, said portion being described as follows, to-wit:  
Beginning on the Southeastly line of said Block "A" at a point situated 15.0 feet, N 26 degrees 21 minutes E from the Southeast corner of said Block "A"; thence 22 degrees 52 minutes 40 seconds W, on and along the Easterly line of an existing utility easement, a distance of 9.24 feet; thence N 26 degrees 21 minutes E, a distance of 127.02 feet; thence N 71 degrees 57 minutes E, a distance of 144.54 feet to a point situated 14.0 feet Westerly of the Easterly line of said Block "A"; thence S 18 degrees 03 minutes E and parallel to said Easterly line, a distance of 14.0 feet; thence S 71 degrees 57 minutes W, a distance of 138.66 feet; thence S 26 degrees 21 minutes W, a distance of 127.29 feet to a point situated 15.0 feet (measured radially) Northeastly from the Northeastly right-of-way line of River Haze Road; thence Northwestly, on and along the arc of a regular curve to the left, not tangent to the last course, having a radius of 200.27 feet and being concentric to said Northeastly right-of-way line, an arc distance of 7.0 feet, being subtended by a long chord having a length of 7.0 feet and a bearing of N 62 degrees 39 minutes W to the point of beginning.  
All interested parties are invited to appear and be heard.  
Fort Wayne Common Council  
Sandra E. Kennedy  
City Clerk



PUBLISHER'S CLAIM

LINE COUNT

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Total number of lines in notice			53

COMPUTATION OF CHARGES

53	lines,	1	columns wide equals	53	equivalent lines at	.300¢	\$ 15.90
cents per line							
Additional charge for notices containing rule or tabular work (50 per cent of above amount)							
Charge for extra proofs of publication (50 cents for each proof in excess of two) 2 extra							1.00
TOTAL AMOUNT OF CLAIM							\$ 16.90

DATA FOR COMPUTING COST

Width of single column 12.5 picas	Size of type 6 point
Number of insertions 1	Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date Dec. 13 19 86

Title CLERK

FORM #904

PUBLISHER'S AFFIDAVIT

State of Indiana  
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that he/she is CLERK of the JOURNAL-GAZETTE a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time the dates of publication being as follows: 12/13/86

Subscribed and sworn to me before this 13th day of December 19 86

Shelley R. LaRue Notary Public

My commission expires March 3, 1990

QB  
16 Malone  
6 Brister

FB  
43 Jackson  
40 Reeder  
45 Sanders

WR  
83 Lipps  
87 Thompson

Notice is hereby given that the Fort Wayne Common Council at 7:00 P.M. Bldg. One N. particularly c REGARDI 85 & Blk A incorporate property own That port width, which ary line betv terset, Sectic Wayne, Allen ty easement 85 and said utility easem way line of R scribed as follows, to-wit: Beginning on the Southeastly line of said Block "A" at a point situated 15.0 feet, N 26 degrees 21 minutes E from the Southeast corner of said Block "A"; thence 22 degrees 52 minutes 40 seconds W, on and along the Easterly line of an existing utility easement, a distance of 9.24 feet; thence N 26 degrees 21 minutes E, a distance of 127.02 feet; thence N 71 degrees 57 minutes E, a distance of